IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.5171 OF 2005
IN
FIRST APPEAL NO.2530 OF 2005

Maharashtra State Road Transport ...Applicant
Vs.
Sunil Kisan Patil ...Respondent

Mr C.M. Lokesh i/by G.S. Hegde for the Applicant.
Ms Manisha S. Jagtap for the Respondent.

CORAM : A. S. OKA, J.
DATE : MARCH 13, 2006.

P.C.:

1. Rule. Respondent waives service. Advocate appearing for the Appellant states that the entire amount due and payable under the impugned Judgment and Award has been deposited by the Appellant with the concerned Tribunal. Statement is accepted. Considering the facts and circumstances of the case, the Respondent will have to be permitted to withdraw a reasonable amount without furnishing security. The Respondent will be entitled to withdraw a part of the amount on furnishing security to the satisfaction of the Tribunal.

2. Civil Application is disposed of by passing following order:

(i) The Respondent will be permitted to withdraw a sum of Rs.1,00,000/- without security subject

to filing an undertaking with the Tribunal to refund the amount with reasonable amount of interest in case the Applicant succeeds in Appeal.

(ii) The Respondent will be permitted to withdraw further amount of Rs.01,25,000/- on furnishing security to the satisfaction of the Tribunal.

(iii) Rest of the amount deposited by the Applicant shall be invested by the Tribunal in fixed deposit in any nationalised bank initially for a period of five years and thereafter the deposit shall be renewed on yearly basis till the disposal of the Appeal.

(iv) If the Respondent fails to furnish the security for withdrawal of Rs.01,25,000/- within a period of four months from today, the said amount shall be also invested in fixed deposit as directed in earlier clause.

(v) There will be no orders as to costs.

JUDGE